

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

19-CV-1539

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM)

I. (a) PLAINTIFFS John Doe, c/o 1125 Walnut Street, Philadelphia, PA 19107

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
James E. Beasley, Jr., Esquire, Lane R. Jubb, Jr., Esquire, Louis F. Tumolo, Esquire, The Beasley Firm, LLC, 1125 Walnut Street, Philadelphia, PA 19107 (215) 592-1000

DEFENDANTS Mitchell Garabedian, Esq., 100 State St., Boston, MA 02109; Law Offices of Mitchell Garabedian, 100 State St., Boston, MA 02109; Kurtis N. Poulos, 3239 W. Colony Dr., Milwaukee, WI 53221

County of Residence of First Listed Defendant Suffolk
(IN U.S. PLAINTIFF CASES ONLY)

NOTE IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | | TORTS | | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES |
|--|--|---|--|--|---|---|
| <input type="checkbox"/> 110 Insurance | <input type="checkbox"/> 310 Airplane | <input type="checkbox"/> 365 Personal Injury - Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 | <input type="checkbox"/> 422 Appeal 28 USC 158 | <input type="checkbox"/> 375 False Claims Act | <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) |
| <input type="checkbox"/> 120 Marine | <input type="checkbox"/> 315 Airplane Product Liability | <input type="checkbox"/> 367 Health Care - Pharmaceutical Personal Injury Product Liability | <input type="checkbox"/> 690 Other | <input type="checkbox"/> 423 Withdrawal 28 USC 157 | <input type="checkbox"/> 400 State Reapportionment | <input type="checkbox"/> 410 Antitrust |
| <input type="checkbox"/> 130 Miller Act | <input type="checkbox"/> 320 Assault, Libel & Slander | <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability | | PROPERTY RIGHTS | <input type="checkbox"/> 430 Banks and Banking | <input type="checkbox"/> 450 Commerce |
| <input type="checkbox"/> 140 Negotiable Instrument | <input type="checkbox"/> 330 Federal Employers' Liability | | | <input type="checkbox"/> 820 Copyrights | <input type="checkbox"/> 460 Deportation | <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations |
| <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment | <input type="checkbox"/> 340 Marine | PERSONAL PROPERTY | LABOR | <input type="checkbox"/> 830 Patent | <input type="checkbox"/> 480 Consumer Credit | <input type="checkbox"/> 490 Cable Sat TV |
| <input type="checkbox"/> 151 Medicare Act | <input type="checkbox"/> 345 Marine Product Liability | <input type="checkbox"/> 370 Other Fraud | <input type="checkbox"/> 710 Fair Labor Standards Act | <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application | <input type="checkbox"/> 500 Securities/Commodities/Exchange | <input type="checkbox"/> 890 Other Statutory Actions |
| <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) | <input type="checkbox"/> 350 Motor Vehicle | <input type="checkbox"/> 371 Truth in Lending | <input type="checkbox"/> 720 Labor/Management Relations | <input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 891 Agricultural Acts | <input type="checkbox"/> 893 Environmental Matters |
| <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits | <input type="checkbox"/> 355 Motor Vehicle Product Liability | <input type="checkbox"/> 380 Other Personal Property Damage | <input type="checkbox"/> 740 Railway Labor Act | SOCIAL SECURITY | <input type="checkbox"/> 895 Freedom of Information Act | <input type="checkbox"/> 896 Arbitration |
| <input type="checkbox"/> 160 Stockholders' Suits | <input checked="" type="checkbox"/> 360 Other Personal Injury | <input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 751 Family and Medical Leave Act | <input type="checkbox"/> 861 HIA (1395ff) | <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision | <input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 190 Other Contract | <input type="checkbox"/> 362 Personal Injury - Medical Malpractice | | <input type="checkbox"/> 790 Other Labor Litigation | <input type="checkbox"/> 862 Black Lung (923) | | |
| <input type="checkbox"/> 195 Contract Product Liability | | | <input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 863 DIWC/DIWW (405(g)) | | |
| <input type="checkbox"/> 196 Franchise | | | | <input type="checkbox"/> 864 SSID Title XVI | | |
| | | | | <input type="checkbox"/> 865 RSI (405(g)) | | |
| REAL PROPERTY | CIVIL RIGHTS | PRISONER PETITIONS | IMMIGRATION | FEDERAL TAX SUITS | | |
| <input type="checkbox"/> 210 Land Condemnation | <input type="checkbox"/> 440 Other Civil Rights | Habeas Corpus: | <input type="checkbox"/> 462 Naturalization Application | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) | | |
| <input type="checkbox"/> 220 Foreclosure | <input type="checkbox"/> 441 Voting | <input type="checkbox"/> 463 Alien Detainee | <input type="checkbox"/> 465 Other Immigration Actions | <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609 | | |
| <input type="checkbox"/> 230 Rent Lease & Ejectment | <input type="checkbox"/> 442 Employment | <input type="checkbox"/> 510 Motions to Vacate Sentence | | | | |
| <input type="checkbox"/> 240 Torts to Land | <input type="checkbox"/> 443 Housing/Accommodations | <input type="checkbox"/> 530 General | | | | |
| <input type="checkbox"/> 245 Tort Product Liability | <input type="checkbox"/> 445 Amer w/Disabilities - Employment | <input type="checkbox"/> 535 Death Penalty | | | | |
| <input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 446 Amer w/Disabilities - Other | Other: | | | | |
| | <input type="checkbox"/> 448 Education | <input type="checkbox"/> 540 Mandamus & Other | | | | |
| | | <input type="checkbox"/> 550 Civil Rights | | | | |
| | | <input type="checkbox"/> 555 Prison Condition | | | | |
| | | <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | | | | |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity)
28 USC 1332

Brief description of cause
Intentional Infliction of Emotional Distress and Defamation

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE
04/10/2019

SIGNATURE OF ATTORNEY OF RECORD

APR 10 2019

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG JUDGE

2019

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

19**1539**

Address of Plaintiff 1125 Walnut Street, Philadelphia, PA 19107

Address of Defendant 100 State Street, 6th Fl., Boston, MA 02109; 3239 W. Colony Drive, Milwaukee, WI 53221

Place of Accident, Incident or Transaction Montgomery County, Pennsylvania

RELATED CASE, IF ANY:

Case Number _____ Judge _____ Date Terminated _____

Civil cases are deemed related when **Yes** is answered to any of the following questions

- | | | | |
|---|---|------------------------------|--|
| 1 | Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2 | Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3 | Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4 | Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above

DATE 04/10/2019

L. R. Jubb, Jr.

Attorney-at-Law / Pro Se Plaintiff

319272

Attorney ID # (if applicable)

CIVIL: (Place a v in one category only)

A. Federal Question Cases:

- ☐ 1 Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ 2 FELEA
 - ☐ 3 Jones Act-Personal Injury
 - ☐ 4 Antitrust
 - ☐ 5 Patent
 - ☐ 6 Labor-Management Relations
 - ☐ 7 Civil Rights
 - ☐ 8 Habeas Corpus
 - ☐ 9 Securities Act(s) Cases
 - ☐ 10 Social Security Review Cases
 - ☐ 11 All other Federal Question Cases
- (Please specify) _____

B. Diversity Jurisdiction Cases:

- ☐ 1 Insurance Contract and Other Contracts
 - ☐ 2 Airplane Personal Injury
 - ☐ 3 Assault, Defamation
 - ☐ 4 Marine Personal Injury
 - ☐ 5 Motor Vehicle Personal Injury
 - ☒ 6 Other Personal Injury (Please specify) IIED
 - ☐ 7 Products Liability
 - ☐ 8 Products Liability - Asbestos
 - ☐ 9 All other Diversity Cases
- (Please specify) _____

ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Lane R. Jubb, Jr., Esquire, counsel of record or pro se plaintiff, do hereby certify

☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs

☐ Relief other than monetary damages is sought

DATE 04/10/2019

L. R. Jubb, Jr.

Attorney-at-Law / Pro Se Plaintiff

319272

Attorney ID # (if applicable)

NOTE A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38

APR 10 2019

JD

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

JOHN DOE

v.

MITCHELL GARABEDIAN, ESQUIRE, et al.

CIVIL ACTION

19 1539

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) (X)
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ()

April 10, 2019

Date

(215) 592-1000

Telephone

Attorney-at-law

(215) 592-8360

FAX Number

Lane R. Jubb, Jr., Esquire

Attorney for Plaintiff

lane.jubb@beasleyfirm.com

E-Mail Address

(Civ. 660) 10/02

APR 10 2019

APR 10 2019

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JOHN DOE
1125 Walnut Street
Philadelphia, PA 19125

Plaintiff

vs.

CIVIL COMPLAINT

MITCHELL GARABEDIAN, ESQ.
100 State Street, 6th Floor
Boston, MA 02109

NO: _____

and

**LAW OFFICES OF MITCHELL
GARABEDIAN**
100 State Street, 6th Floor
Boston, MA 02109

JURY TRIAL DEMANDED

and

KURTIS N. POULOS
3239 W. Colony Drive
Milwaukee, WI 53221

Defendants.

COMPLAINT

I. INTRODUCTION

This case stems from the Defendants' outrageous scheme, where they falsely accused Plaintiff of deplorable conduct in order to extort a quick contingent fee and monetary payoff. They published these statements to Plaintiff's supervisors and peers, which caused irreparable damage to the reputation he held amongst his colleagues and the boarding school community that he has served for over twenty-five years.

II. PARTIES

1. Plaintiff John Doe is an adult individual and private figure who resides in Ohio, with a principal place of business in Montgomery County, Pennsylvania.¹

2. Defendant Mitchell Garabedian, Esquire is an adult individual who is the owner and principal of the Law Offices of Mitchell Garabedian and is counsel for Defendant Kurtis N. Poulos.

3. Defendant Law Offices of Mitchell Garabedian, is a law firm located at the identified address. Defendant Mitchell Garabedian, Esquire and the Law Offices of Mitchell Garabedian are collectively referred to as “The Garabedian Defendants.”

4. The Garabedian Defendants are responsible for the acts and omissions of their employees, servants, and agents identified and described in this Complaint as well as those identified through discovery.

5. Defendant Kurtis N. Poulos (“Poulos”) is an adult individual residing at the above identified address.

6. Each and every defendant is liable for the acts of its agents, servants, and/or employees.

III. JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction in this case pursuant to 28 U.S.C. § 1332. The amount in controversy substantially exceeds the requirement for Federal Diversity Jurisdiction and to guarantee a jury trial, exclusive of interest and

¹ Plaintiff’s identity is pled as a pseudonym due to Plaintiff’s fear of severe harm, which is reasonable in light of the social climate in which this suit is brought. *Doe v. Megless*, 654 F.3d 404, 408, (3d. Cir. 2011). Plaintiff is a private figure and disclosure of Plaintiff’s identity would not promote any public interest. See, *Doe v. Unum Life Ins. Co. of Am.*, 2014 U.S. Dist. LEXIS 54821 (E.D. Pa. 2014).

costs. The Defendants are citizens of states other than the states in which the Plaintiff resides.

8. This Court has jurisdiction over the parties because the Defendants targeted their specific statements, publications, and tortious conduct at issue in this action directly toward and in Montgomery County, Pennsylvania.

9. Venue is proper pursuant to 28 U.S.C. § 1391 because all Defendants are subject to the Courts personal jurisdiction with respect to the civil action in question. The Defendants published their defamatory statements at Plaintiff's principal place of business, a private school in Montgomery County, Pennsylvania ("Plaintiff's School" or "The School") where they targeted their unlawful scheme.

IV. FACTS

10. Plaintiff has been an educator, coach, dorm parent, and administrator within his school community for over twenty-five (25) years, where he earned and maintained the highest esteem, respect, and gratitude of his supervisors, colleagues, students, and alumni.

11. On April 11, 2018, the Garabedian Defendants sent a letter to the headmaster of Plaintiff's school and falsely stated that Plaintiff engaged in abhorrent conduct with a minor (identified as Defendant Poulos) twenty-five (25) years ago. A redacted copy of the April 11, 2018 letter is attached hereto as Exhibit "A."

12. The Defendants statements in the April 11, 2018 letter were published as fact and not characterized as allegations, let alone opinions – even going so far to claim their statements were:

only meant to briefly touch the surface of the relevant facts.

13. The Defendants demanded \$1,000,000.00 “for settlement” of Defendant Poulos’ purported “claim,” with the intent that Plaintiff and The School would fear the mere filing of any lawsuit, despite its complete lack of merit.

14. At no time prior to publishing this letter and making these false defamatory statements did the Garabedian Defendants perform any investigation to corroborate Defendant Poulos’ statements.

15. In response to the letter, a prominent third-party law firm in Philadelphia was retained and it commenced an investigation into the Defendants’ claims.

16. Despite numerous requests by phone, letter, and email, for additional information about the alleged claims, the Garabedian Defendants did not respond for over seven (7) months.

17. On December 26, 2018, the Garabedian Defendants published another letter setting forth further false abhorrent claims against Plaintiff. A redacted copy of this letter is attached hereto as Exhibit “B.”

18. The December letter contained substantive and typographical errors. It also changed the timeframe the purported conduct was said to have occurred when compared to the April letter.

19. At the same time, the Garabedian Defendants sought to obtain Defendant Poulos’ school records, by written authorization. In other words, the Garabedian Defendants made their outrageous claims without even obtaining the readily available school records of their own client; records that would have shown Poulos’ claims to be false.

20. The third-party investigators made numerous requests to the Garabedian Defendants – for *even just a returned phone call or acknowledgement* – in order to move their investigation forward. The Garabedian Defendants never responded.

21. The school also made numerous requests to the Garabedian Defendants to move its own review forward. The Garabedian Defendants never responded.

22. Finally, having not heard from the Defendants in months, the school sent the Defendants a final notice; if they did not contact the school or third-party investigators by March 1, 2019, the school would assume the Defendants were not serious about pursuing the statements of fact they made against Plaintiff in their previous publications.

23. Once again, the Garabedian Defendants never responded.

24. The accusations made and published by the Defendants were – and are – completely false.

25. The Garabedian Defendants knew or should have known that allegations of abhorrent conduct with a minor would be catastrophic to the reputation of the accused and are *per se* defamatory.

26. At the time the Defendants made their outrageous statements against Plaintiff and their demand for money, they knew Pennsylvania’s statute of limitations would apply to any claim and that it required any civil action be brought within “12 years after [Poulos] attain[ed] 18 years of age,” i.e. before his thirtieth (30th) birthday. 42 Pa. C.S.A. § 5533(b)(2)(i).

27. The Defendants stated that Poulos was “currently 39 years of age” in their April 11, 2018 letter.

28. Thus, the Defendants knew that any possible claim (even putting aside the complete lack of substantive merit) *was barred by Pennsylvania's statute of limitations by more than nine (9) years.* ²

29. Furthermore, despite demanding a million dollars *from the school*, the Garabedian Defendants made no statement of fact or allegation that would give rise to a claim against *the school* for Plaintiff's purported conducted; there were no claims of notice, inadequate supervision, or that Doe was acting in the course and scope of his employment.

30. The Defendants statements were not an attempt to compromise any valid or potential legal claim.

31. The Defendants never actually intended to file suit; a suit they *knew* to be unsustainable, meritless, and fatally deficient under the law.

32. Rather, the Defendants' improper purpose was to cause Plaintiff maximum emotional harm – and his most respected school a potential PR nightmare – in hopes of leveraging, by false and extortionate demands, a quick payout and contingency fee.

33. The Defendants sought to obtain that \$1,000,000 from the school, with the school's consent, induced by the Defendants wrongful use of actual fear and under the color of official right.

34. Plaintiff earned and maintained a reputation as a pillar of truth, honesty, justice, and good repute within his community – and he fought for whatsoever things would come from that virtuous pursuit; he taught thousands of others to do the same.

² The Defendants also knew any lawsuit would be barred by the statute of limitations in Plaintiff's home state (Ohio) by more than nine (9) years and also barred by Defendant Poulos' home state (Wisconsin) by more than four (4) years.

35. As a direct and proximate result of the Defendants' malicious, outrageous, intentional and otherwise reckless conduct, the Plaintiff has suffered immeasurable harm to his personal and professional reputation and name, and significant embarrassment, humiliation, emotional turmoil, distress, and physical manifestations thereof, which will continue into the foreseeable future.

V. THEORIES OF LIABILITY AND CAUSES OF ACTION

COUNT ONE

PLAINTIFF v. THE GARABEDIAN DEFENDANTS **DEFAMATION**

36. Plaintiff incorporates the above paragraphs by reference.

37. The Garabedian Defendants' statements and letters were publications concerning Plaintiff.

38. The Garabedian Defendants fully anticipated, knew, or should have known that the contents of their letter would foreseeably be distributed to other individuals within the school community, more than simply the headmaster to whom it was addressed.

39. The Garabedian Defendants knew or should have known that the contents of their letter would foreseeably follow the Plaintiff everywhere, to any other academic community, and that Plaintiff would have to disclose the content of those letters in countless scenarios.

40. The Defendants' statement, contained in the April 11, 2018 letter, that Defendant Poulos "was repeatedly sexually molested by [Plaintiff Doe]" is false and defamatory.

41. Any inference, innuendo, or implication that Plaintiff Doe had any contact with Defendant Poulos that was inappropriate or sexual in nature, at any time, is also completely false and defamatory *per se*.

42. Each and every statement published by the Defendants pertaining to or describing inappropriate or sexual conduct by Plaintiff Doe, in either the April 11 or December 26, 2018 publications, is false and defamatory *per se*.

43. The Garabedian Defendants' statements, identified above and attached hereto, are defamatory *per se* where there could be no greater charge levied against an educator who has dedicated his life to his school and his students' well-being.

44. Any statement or implication that Plaintiff Doe caused harm to Defendant Poulos is false and defamatory including, without limitation:

- a) ¶ 3, in its entirety, of the April, 2018 letter attached as Exhibit "A;" and
- b) ¶ 6, in its entirety, of the December, 2018 letter attached as Exhibit "B."

45. The Garabedian Defendants advertise themselves as nationally recognized advocates for victims of child abuse and are readily aware of the Statute of Limitations and *prima facie* elements of vicarious liability.

46. The Garabedian Defendants never actually intended to file a suit; they *knew* any suit was unsustainable, meritless, and fatally deficient under the law both substantively and procedurally.

47. The Garabedian Defendants had an improper motive for their publications, which were motivated by malice to leverage the fear of the statements being published for a quick extortionate payout.

48. The Defendants published the statements without reasonable cause before doing any preliminary investigation – even so much as reviewing Polous’ easily accessible school records and in the other respects as averred above.

49. In fact, even a minimal investigation would have confirmed the falsity of their malicious statements.

50. As a direct and proximate result of the Garabedian Defendants’ malicious, outrageous, intentional and otherwise reckless conduct and publications, Plaintiff has suffered the harm previously set forth herein, which will continue into the future.

WHEREFORE, Plaintiff hereby demands damages from the Garabedian Defendants in an amount significantly in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

COUNT TWO
PLAINTIFF v. THE GARABEDIAN DEFENDANTS
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

51. Plaintiff incorporates the above paragraphs by reference.

52. The Garabedian Defendants’ conduct and motives were outrageous, malicious, beyond all possible bounds of decency, and intolerable in a civilized community – especially that of the legal profession in this or any Commonwealth or State.³

53. The Garabedian Defendants’ conduct was intended to cause and/or otherwise recklessly caused Plaintiff to suffer the severe emotional distress that he has in fact suffered.

³ Plaintiff incorporates his Certificate of Merit, filed separately, as if fully set forth at length herein.

54. The Garabedian Defendants knew that any claim against Plaintiff was false, meritless, and woefully deficient but still sought to inflict in Plaintiff the fear and emotional distress of being accused of such conduct in a public filing.

55. The Garabedian Defendants sought to leverage the severe emotional distress of Plaintiff (which they intended to inflict) in order to extortionately strip a quick contingency fee from a false and patently frivolous “claim” that was most egregious in nature.

56. As a direct and proximate result of the Garabedian Defendants’ outrageous, atrocious and utterly intolerable conduct, Plaintiff has and will continue to suffer those damages previously set forth as well as severe emotional distress, which has physical manifestations including, but not limited to, nausea, stomach sickness, nightmares, lethargy, and which foreseeably requires medical care.

WHEREFORE, Plaintiff hereby demands damages from the Garabedian Defendants in an amount significantly in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

COUNT THREE
PLAINTIFF V. KURTIS N. POULOS
DEFAMATION

57. Plaintiff incorporates the above paragraphs by reference.

58. Defendant Poulos’ statements of and concerning Plaintiff, are entirely, wholly, and completely false.

59. Upon information and belief, Defendant Poulos also made the substantively same false and malicious statements identified above to individuals other than the co-defendants.

60. Defendant Poulos' statement, contained in the April 11, 2018 letter, that he "was repeatedly sexually molested by [Plaintiff Doe]" is false and defamatory.

61. Any statement, inference, innuendo, or implication that Plaintiff Doe had any contact with Defendant Poulos that was inappropriate or sexual in nature, is also completely false and defamatory *per se*.

62. Each and every statement published by the Defendants pertaining to or describing inappropriate or sexual conduct by Plaintiff Doe, in either the April 11 or December 26, 2018 publications attached hereto, is false and defamatory *per se*.

63. Any statement or implication that Plaintiff Doe caused harm to Defendant Poulos is false and defamatory including, without limitation:

a) ¶ 3, in its entirety, of the April, 2018 letter attached as Exhibit "A;" and

b) ¶ 6, in its entirety, of the December, 2018 letter attached as Exhibit "B."

64. Defendant Poulos' statements, identified above and attached hereto, are defamatory *per se* where there could be no greater charge levied against an educator who has dedicated his life to his school and his students' well-being.

65. Defendant Poulos knew his statements of and concerning Plaintiff were false and that any suit was unsustainable, meritless, and fatally deficient under the law.

66. Defendant Poulos knew or should have known that the contents of the letters sent on his behalf would foreseeably follow Plaintiff everywhere, to any other

academic community, and that Plaintiff would be forced to disclose the content of those letters in countless scenarios.

67. Defendant Poulos had an improper motive for his false statements levied against Plaintiff, which were motivated by malice to leverage a quick extortionate payout.

68. As a direct and proximate result of Defendant Poulos' malicious, outrageous, intentional and otherwise reckless conduct and publications, Plaintiff has suffered the harm previously set forth herein, which will continue into the future.

WHEREFORE, Plaintiff hereby demands damages from Defendant Poulos in an amount in excess of the jurisdictional limit for a jury trial, plus costs, delay damages, punitive damages, and such other relief as this Honorable Court deems just and appropriate.

NOTICE OF PRESERVATION OF EVIDENCE

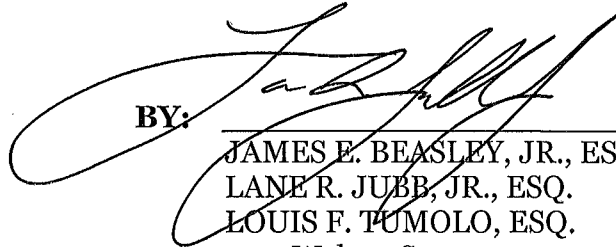
PLAINTIFF HEREBY DEMANDS AND REQUESTS THAT DEFENDANTS TAKE NECESSARY ACTION TO ENSURE THE PRESERVATION OF ALL DOCUMENTS, COMMUNICATIONS, WHETHER ELECTRONIC OR OTHERWISE, ITEMS AND THINGS IN THE POSSESSION OR CONTROL OF ANY PARTY TO THIS ACTION, OR ANY ENTITY OVER WHICH ANY PARTY TO THIS ACTION HAS CONTROL, OR FROM WHOM ANY PARTY TO THIS ACTION HAS ACCESS TO, ANY DOCUMENTS, ITEMS, OR THINGS WHICH MAY IN ANY MANNER BE RELEVANT TO OR RELATE TO THE SUBJECT MATTER OF THE CAUSES OF ACTION AND/OR THE ALLEGATIONS OF THIS COMPLAINT.

DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial.

THE BEASLEY FIRM, LLC

BY:



JAMES E. BEASLEY, JR., ESQ.

LANE R. JUBB, JR., ESQ.

LOUIS F. TUMOLO, ESQ.

1125 Walnut Street

Philadelphia, Pa 19107

215.592.1000

215.592.8360 (fax)

Attorneys for Plaintiff

Date: 10 April 2019

Exhibit A

LAW OFFICES
OF
MITCHELL GARABEDIAN

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100 STATE STREET, 6TH FLOOR
BOSTON, MASSACHUSETTS 02109

(617) 523-6250
FAX (617) 529-3687

April 11, 2018

[REDACTED]
Headmaster
[REDACTED] School
[REDACTED]
Pottstown, PA 19464

Re: Sexual Abuse Claim of Kurtis Nicholas Poulos

Dear Mr. [REDACTED]

Please be informed that this office represents Kurtis Nicholas Poulos. This letter is an attempt to settle and compromise claims involving [REDACTED] (hereinafter "[REDACTED]") and [REDACTED]'s supervisors at [REDACTED] School. It should not be used as evidence in any court hearing.

Kurtis Nicholas Poulos, currently 39 years of age, was repeatedly sexually molested by [REDACTED] from approximately 1993 when he was approximately 15 years of age until approximately 1995 when he was approximately 17 years of age. During relevant times, [REDACTED] was assigned to or affiliated with [REDACTED] School in Pottstown, Pennsylvania while Mr. Poulos was enrolled and attended school at [REDACTED] School.

As a result of being sexually molested by [REDACTED], Mr. Poulos's injuries include, but are not limited to, depression; sadness; crying; anxiety; emotional pain; sleep problems; concentration problems; low self-esteem; low self-respect; low self-confidence; apathy, finding himself not caring about things; not caring about his grades or his future while he attended [REDACTED] School; turned to drugs and alcohol to cope with the emotional pain; self-sabotaging the good things in his life; flashbacks and reminders; feeling broken and unfixable; sexuality problems such as being oversexed at times; problems with being touched; self-harm; feeling alone and isolated; feeling ostracized while he was at school; shame; embarrassment; guilt; self-blame; trust problems; intimacy problems; losing a dangerous amount of weight while at [REDACTED] School

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April 11, 2018

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because he did not feel like eating; suicidal ideation; creation of an emotional void in him; anger; confusion; feeling that ██████████ ruined a part of his life; feeling that ██████████ sent him down the wrong road in life; and feeling that ██████████ stole his childhood innocence.

The aforementioned brief description is in no way meant to be exhaustive in its detail, but is only meant to briefly touch the surface of the relevant facts. The case is subject to substantive changes at any given time given the sensitive nature of the case.

Mr. Poulos's demand for settlement is \$1,000,000.00.

I await your response.

Thank you.

Very truly yours,

MG

Mitchell Garabedian

Exhibit B

LAW OFFICES
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(617) 523-6280
FAX (617) 523-3687

December 26, 2018

VIA FAX ([REDACTED])
AND FIRST CLASS MAIL



Norristown, PA 19404

Re: Sexual Abuse Claim of Kurtis Nicholas Poulos

Dear [REDACTED]

As you know, this office represents Kurtis Nicholas Poulos with regard to his sexual abuse claim involving [REDACTED] and [REDACTED] supervisors at [REDACTED] School.

During our telephone conversation regarding this matter on December 21, 2018, you requested additional information about Mr. Poulos's sexual abuse claim. Pursuant to your request, and in further support of Mr. Poulos's claim, Mr. Poulos provides the following information:

Kurtis Nicholas Poulos (DOB 10/10/1978) met [REDACTED] during Mr. Poulos's freshman year at [REDACTED] School in approximately 1993 or approximately 1994 when Mr. Poulos was approximately 14 or approximately 15 years old. [REDACTED] served as a table master in the dining hall and Mr. Poulos had a rotation at [REDACTED]'s table during Mr. Poulos's freshman year. Mr. Poulos recalls that [REDACTED] was a mathematics teacher and a cross country coach at [REDACTED] School. Mr. Poulos recalls that [REDACTED] lived in a dormitory of [REDACTED] School with [REDACTED]'s family. Mr. Poulos does not recall that anything inappropriate happened with [REDACTED] during Mr. Poulos's freshman year at [REDACTED] School.

[REDACTED] was Mr. Poulos's geometry teacher during Mr. Poulos's sophomore year at [REDACTED] School in approximately 1994 and approximately 1995 when Mr. Poulos was approximately 15 and approximately 16 years old. Mr. Poulos recalls that classes were held on a rotating schedule at [REDACTED] School, so that classes met at different times of day. On certain days when Mr. Poulos had geometry as the last class of the day, [REDACTED] made Mr. Poulos stay behind in [REDACTED]'s classroom. [REDACTED] and Mr.

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OF
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December 26, 2018

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Poulos were alone in the classroom after school on these occasions. Mr. Poulos recalls that the geometry classroom was located at the end of a hallway. During the course of Mr. Poulos's sophomore year, [REDACTED] sexually abused Mr. Poulos in [REDACTED]'s geometry classroom between approximately 16 and approximately 15 times. The sexual abuse consisted of, among other things, [REDACTED] fondling Mr. Poulos's penis and testicles, skin on skin; [REDACTED] making Mr. Poulos fondle [REDACTED] penis and testicles, skin on skin; [REDACTED] putting his mouth on [REDACTED]'s penis; and [REDACTED] making Mr. Poulos put his mouth on [REDACTED]'s penis.

The sexual abuse by [REDACTED] ended with Mr. Poulos's sophomore year at [REDACTED] School. Mr. Poulos transferred to Marquette University High School, Milwaukee, Wisconsin for his junior year of high school. Mr. Poulos returned to [REDACTED] School for his senior year, approximately 1996 to approximately 1997. Mr. Poulos had limited contact with [REDACTED] during Mr. Poulos's senior year, although Mr. Poulos recalls that he and [REDACTED] lived in the same dormitory during that year. Mr. Poulos does not recall any sexual abuse during Mr. Poulos's senior year at [REDACTED] School. Mr. Poulos does not recall having any contact with [REDACTED] after Mr. Poulos graduated from [REDACTED] School in approximately 1997 when Mr. Poulos was approximately 18 years old.

As I have previously advised you, Mr. Poulos has suffered numerous injuries as a result of the sexual abuse by [REDACTED], including, but not limited to, problems with depression; sadness; crying; anxiety; emotional pain; sleep; concentration; low self-esteem; low self-respect; low self-confidence; apathy; not caring about things in his life; self-medicating with alcohol and drugs; sabotaging himself; flashbacks and reminders of the sexual abuse; feeling broken and unfixable; sexuality; being touched; self-harm; feeling alone and isolated; feeling ostracized at [REDACTED] School; shame; embarrassment; guilt; self-blame; trust; intimacy; losing weight while at [REDACTED] School; suicidal ideation; feeling an emotional void; anger; confusion; feeling like [REDACTED] ruined a part of his life; feeling like [REDACTED] sent him down the wrong road in life; and feeling like [REDACTED] stole his childhood innocence.

Please advise me as to your client's position with regard to this matter.

Thank you.

Very truly yours,



Mitchell Garabedian